IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO: 32091 of 1998

Between:

G. Darshan S/o. G.Sathaiah, H.NO.5-50/A, Hayathnagar,
Ranga Reddy District.

... PETITIONER

AND

1. The Presiding Officer Labour Court-II, Hyderabad
2. The Depot Manager APSRTC, Hyderabad-II Depot,
   Dilsuknagar, Hyderabad
3. The Regional Manager APSRTC., R.R. Region
   IBS, Gowliguda, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of certiorari or any other appropriate writ calling for the records from the Labour Court-I, Hyderabad in I.D.NO.87/95 dated 30/07/1998 and set aside the award in so far as not granting continuity of service, back wages and other attendant benefits; and consequently direct the 2nd respondent to reinstate the petitioner into service with continuity of service full back wages and all other attendant benefits.

Counsel for the Petitioner: MR. P. SUDHEER RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos.2 &3: MR. V.T.M. PRASAD

The Court made the following:

ORDER:

This writ petition is filed by the workman aggrieved by the award passed by the Labour Court –I, Hyderabad in I.D.No.87 of 1995 dated

30-07-1998 rejecting the claim petition filed under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act').

2. It is stated by the petitioner that while he was working as Conductor on the route Manthani to Central Bus station, a check was exercised by the T.T.I. at stage No.13, and in the check, since it was found that the petitioner committed certain cash and ticket irregularities, he was issued a charge memo and basing on the charge memo, a charge sheet dated
24-09-1992 was also issued, keeping the petitioner under suspension.
It is the case of the petitioner that even though he submitted his explanation, without considering the same, a departmental enquiry was conducted. On submission of the report by the Enquiry Officer, the disciplinary authority removed the petitioner from service with effect from 23-12-1992. The petitioner, thereafter, filed an appeal before the Divisional Manager and the same was dismissed on 27-12-1993. Further, the petitioner filed review petition before the Regional Manager. However, the Regional Manager after considering the matter took a lenient view and directed that the petitioner be appointed afresh, by his order dated
09-08-1994. Having not satisfied with the said order of reinstatement afresh, the petitioner raised an industrial dispute under Section 2-A (2) of the Act before the Labour Court-I, Hyderabad. The Labour Court, after examining the various documents marked on behalf of the petitioner-workman as well as the respondent-management, came to a conclusion that the cumulative reading of the circumstances would clearly show that the petitioner has been entertaining criminal idea of causing misappropriation of funds of the Corporation, by which he has been treated as trustee and custodian, to betray the same. As the petitioner was at least granted relief of fresh appointment, he is not entitled to any further relief. Therefore, the Labour Court dismissed the claim.

3. Heard both sides.

4. I have gone through the award passed by the Labour Court and also the original proceedings issued by the Regional Manager, A.P.S.R.T.C., Ranga Reddy Division, wherein it is stated as under--

> "I have gone through the review petition along with all connected records. This is a case of wrong punching and non-accountal of tickets. The charges are proved beyond all reasonable doubts. The proceedings are also in order as per CCA Regulations, 1967. However, I am of the opinion that the quantum of punishment is excessive to the offence committed. Hence, it is proposed to revise the punishment by giving him an opportunity to serve the Corporation once again by ordering the reappointment of Sri G. Darshan, Conductor of HYD.II depot, as a fresh conductor duly dispensing with the earlier service to meet the justice both ends, as per the power vested with the undersigned vide Reg.29 of CCA Reg.1967. He shall report to DVM (MDK) for further postings within seven days from the date of receipt of this order, failing which the order stands cancelled. The period from the date of suspension till he reports for duty shall be treated as period 'Not on duty' for all purposes such as PF, Gratuity and other attendant benefits."

5. The reviewing authority after considering the entire record gave a finding that all the charges are grave in nature and the same have been proved beyond all reasonable doubt and the procedure as contemplated under CCA Regulations was also followed and the same is in order. However, the reviewing authority felt that the quantum of punishment was excessive to the offence committed hence, proposed to revise the punishment by giving an opportunity to serve the Corporation once again by an order of reinstatement afresh.

6. I am of the opinion that the charges are grave in nature and they were proved in full. In fact, the reviewing authority has taken a lenient view of the matter and granted some relief. Therefore, the Labour Court has not committed any error calling for interference of this Court while dismissing the claim petition filed by the petitioner.

7. The writ petition is devoid of merit and is thus dismissed. No order as to costs.

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C.V. RAMULU, J

Dt.08-07-2005

GLV

ASSISTANT REGISTRAR

Copy to:

1. The Presiding Officer, Labour Court-II, Hyderabad.
2. The Depot Manager APSRTC, Hyderabad-II Depot, Dilsuknagar, Hyderabad
3. The Regional Manager APSRTC, R.R. Region IBS, Gowliguda, Hyderabad

4. Two CCs. to the Government Pleader for Labour, High Court Buildings, Hyderabad. (OUT)

5. Two CD copies

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